

Board of Public Works
January 13, 2010

A regular meeting of the Board of Public Works of the Consolidated City of Indianapolis, Marion County, Indiana, was held the 13th day of January 2010, in the Public Assembly Room of the City County Building. **Chair** David Sherman called the meeting to order at 1:00 p.m.

Board members in attendance were: David Sherman Cassie Stockamp Angel Rivera
Kenneth Hughes Dennis Rosebrough

Absent: Robert Parrin

Staff in attendance were:

Larry Jones	Mike Smith	Monica Ferguson
Robert Ransom	LeAnnette Pierce	Andrea Brandes
Steven Nielsen	Karen Haley	Jeff Sirmin
DeAnn Milliken	John Hazlett	

ITEM # 1 – APPROVAL OF MINUTES

- a. Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted 5-0 to approve and accept Board Minutes from October 28, 2009.
- b. Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted 5-0 to approve and accept Board Minutes from November 11, 2009.

Mr. Hughes asked staff to provide a copy of the written remonstrance to him.

ITEM # 2 – PUBLIC HEARING RESOLUTION

The Public Hearing was opened.

Resolution No. 3, 2010; Appropriations Resolution for the Sanitary District

Staff recommended that the Board of Public Works adopt Resolution No. 3, 2010; Appropriations Resolution for the Sanitary District. The bond proceeds are not incorporated into the regular capital budget proceedings of the Sanitary District. This resolution serves as the appropriation for the proceeds of the bonds and the related interest earnings, so that these funds may be spent on projects approved in the prior Declaratory and Confirmatory Resolutions (Resolutions No. 96 and No. 103, 2009, approved respectively on October 28, 2009, and November 11, 2009). The Board has previously authorized up to \$125 million in new bond financing for Sanitary District. DPW and CST staffs are projecting that the Sanitary District will need approximately \$85 million in new funding to meet cash flow needs for capital projects over the next two years. In addition, an estimated \$40 million may be needed to fund a replacement reserve for the prior Debt Service Reserve Funds on the outstanding \$382 million in loans with the Indiana State Revolving Fund (SRF). Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted 5-0 to approve and adopt the Appropriations Resolution for the Sanitary District.

The Public Hearing was closed.

ITEM # 3 – RESOLUTIONS

a. Resolution No. 1, 2010; Parking Meter Waiver Fees for the 2009 Radiothon

Staff recommended that the Board of Public Works approve and adopt Resolution No. 1, 2010; for the 2009 Radiothon event. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to approve and adopt Resolution No. 1, 2010.

b. Resolution No. 2, 2010; Parking Meter Waiver Fees for the Indiana Blood Center Blood Drives

Staff recommended that the Board of Public Works approve and adopt Resolution No. 2, 2010; for the Indiana Blood Center Blood Drives. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to approve and adopt Resolution No. 2, 2010.

ITEM # 4 – BID AWARD

BE-28-002A; Wet Weather Secondary Treatment Expansion
\$53,600,000.00 – Walsh Construction

Staff recommended that the Board of Public Works award Project No. BE-28-002A, Wet Weather Secondary Treatment Expansion to Walsh Construction Company in the base bid lump sum amount of \$53,600,000.00 on the basis that it is the lowest responsive and responsible bid. The engineer's estimate for construction of this project is \$89,500,000.00 and the percentage difference between the low bid and the engineer estimate was 66.97%. This project consists of the expansion of the Belmont Advanced Wastewater Treatment Facility to increase its wet weather capacity for 150 MGD to 300 MGD to include the addition of a pump station; an electrical/blower building; aeration tanks; junction structures; an effluent diversion; final clarifier upgrades; replacement of sluice gates, blowers, piping, and valves; demolition of; Bio roughing towers; and various yard piping, process piping, excavation, bypass pumping, dewatering, paving landscaping and instrumentation.

Representative Attorney Patrick Stern from Standard Coating asked if there was a possibility of getting this hearing continued. He stated that his client Standard Coating is a minority participant in the bidding process; and submitted a painting proposal that listed figures on an EPA data sheet. He stated that a copy of the figures were mailed to Walsh Construction, upon finding out that Walsh was the lowest bidder, and included was a letter stating that they were glad that they got the bid, and would be waiting for work. He stated that he made numerous calls and left messages with Mr. Ransom office, and never received any calls back, and that he even sent copies to Robert Ransom and Monica Ferguson in Purchasing, informing them that Walsh had listed them as a subcontractor. He stated that Standard Coating concerns was whether or not the city had investigated the minority participation that was required on this project, and that he did not believe that Mr. Ransom has done enough to assist his client with the MBE/WBE participation. He stated that Standard Coating mentioned to him that they received a fax from Walsh Construction, stating that they were not going to utilize them, and that Walsh had no intention of using his client's bid that made up the two-percent of what the city considered the minority participation. Finally, he asked if this matter could be continued to see if Standard Coating was within the minority compliance. Director Sherman mentioned that he believed that this Board understood the just of Mr. Stern concerns.

Mr. Robert Ransom, DAEO/Equal Opportunity replied that staff received the bid from Walsh Construction, and evaluated their MBE/WBE participation that was listed originally at 15.2% MBE, and zero WBE. He stated consequently after contacting them regarding their WBE percentages, Walsh increased in all their participation. He stated that regarding Standard Coating, Mr. Stern contacted his office sometime after the bid, and stated that his firm was listed on an EPA form to be utilized; however, Standard Coating was not listed on the city form. He stated that he contacted Walsh in regards to using Standard Coating, and Walsh informed him that they had listed Standard Coating on their previous form; however, decided that they would be using another painting firm.

Mr. Rivera asked about a 6100-3 and 6100-4 form. Mr. Nielsen replied that the 6100-3 form captures an intended subcontractor's description of work to be performed for the prime contractor and the price of the work will be submitted to the prime. The 6100-4 form captures the prime's intended use of an identified subcontractor, and the estimated dollar amount of the subcontract.

Director Sherman stated that basically there were four bidders, and staff determined that Walsh Construction met the city's bidding requirement. He stated that Walsh Construction submitted a list of MBE/WBE participants, and that Mr. Ransom validated that Walsh Construction followed the procedures to the best of their knowledge. He stated that everything in front of us says that staff has followed the process and the procedure, and that staff is satisfied with Walsh as the bidder that met the MBE/WBE requirements. He asked whether or not there was anything on the forms that modified the selection process. Mr. Ransom and Mr. Nielsen both stated no. Mr. Nielsen stated that he called over to SRF (State Revolving Fund) to ask about the 6100-3 and 6100-4 forms before he arrived at the Board meeting; and they mentioned that everything looked in order, and that there was no reason not to award the project. Mr. Rivera asked if the final offer made to Walsh Construction included modifications to their MBE/WBE figures that did not include Standard Coating. Mr. Ransom replied yes.

Representative Gordon Barker from Walsh Construction stated that during the bidding process there was an addendum that changed the 6100-3 and 6100-4 form from being a bid document to a post bid document. He stated that the documents that the Board looked at were the city's forms that listed the MBE/WBE percentages and the participants, which were the post bid documents that Walsh submitted, and who Walsh intended to subcontract. He stated that the bid required that all information be listed on the post bid documents, and that is what Walsh provided to show how the participation goals were achieved. He stated that the post bid document is what Walsh is committed to.

Mr. Hughes asked was it normal to change subcontractors from a pre bid to a post bid document. Mr. Nielsen replied no, the information must clearly identify who their subcontractors are going to be. He stated that the issue here is their form versus the city's form. Mr. Rosebrough asked once you are the apparent low bidder, then is there a window of time that the contractor must submit their subs. Mr. Nielsen replied yes, as soon as staff receives the bid forms, review and identify the apparent low bidder, staff contacts them, which gives them 72-hours to submit all the forms. Mr. Gordon Barker replied that it is a very chaotic time during the bidding process, and that Walsh inspects their bid materials over and over again, to ensure that everything is in order and that the right information is correct. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to for the Wet Weather Secondary Treatment Expansion Project.

ITEM # 5 – CHANGE ORDERS

- a. BL-10-069D & SD-10-049, C/O No. 2; Fox Hill/Hoover Septic Tank Elimination and 59th and Lieber Area Stormwater
\$18,251.00 – Tramco

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2 for Tramco in the increased amount of \$18,251.00 for a new contract total of \$3,537,105.52 and no increase in time for Project No. BL-10-069D & SD-10-019, Fox Hill/Hoover Septic Tank Elimination and 59th and Lieber Area Stormwater. This change order includes additional trees to be removed in the design assignment but not included in the bid quantities. Also in addition, storm drains were added to eliminate a drainage issue at a designed low point. Ms. Stockamp asked about the sewer line that had not been changed, and if it was inadvertently missed in the design. Mr. Nielsen replied yes, and as a result of it, staff has spoken with the design engineer about the issue. Mr. Hughes stated that at one time or another there was a policy, that for every tree removed another tree was planted, and asked whether the program was still in place. Mr. Nielsen replied that there is a tree replacement program, which staff works with the Parks Department on when trees are removed and how many trees will be put back in place. Mr. Hughes asked if this was a part of the contract or as a separate initiative. Mr. Nielsen replied it is supposed to be built into the contract. Director Sherman mentioned that in the near future, the Public Works Department will be running the Forestry Department. Upon a motion by Ms. Stockamp, seconded by Mr. Hughes, the Board voted 5-0 to approve Change Order No. 2 for the Fox Hill/Hoover Septic Tank Elimination and 59th and Lieber Area Project.

- b. BL-10-069D & SD-10-019, C/O No. 3; Fox Hill/Hoover Septic Tank Elimination and 59th and Lieber Area Stormwater
\$5,413.61 – Tramco

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 3 for Tramco in the increased amount of \$5,413.61 for a new contract total not to exceed \$3,542,519.13 and no increase of calendar days for Project No. BL-10-069D & SD-10-019, Fox Hill/Hoover Septic Tank Elimination and 59th and Lieber Area Stormwater. Soft areas of the road appeared during construction, therefore additional asphalt was needed along with new items of common excavation and #2 stone for road stabilization. Upon a motion by Mr. Hughes, seconded by Mr. Rosebrough, the Board voted 5-0 to approve Change Order No. 3 for the Fox Hill/Hoover Septic Tank Elimination and 59th and Lieber Area Stormwater Project.

ITEM # 6 FINAL CHANGE ORDERS AND ACCEPTANCE

- a. BL-17-005; C/O No.2/FINAL; Northern Estates (Kenilworth and Sylvan) Sanitary Sewer
\$9,684.01 – Eagle Valley, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2/FINAL for Eagle Valley, Inc. in the increased amount of \$9,684.01 for a new contract total not to exceed \$275,752.22 and an increase of 4 calendar days for Project No. BL-17-005, Northern Estates (Kenilworth and Sylvan) Sanitary Sewer, and furthermore to accept this project as final. This change order consists of incorporating WDCs 2, 3, and 4 and balancing planned quantities with field placed quantities. Upon a motion by Mr. Rivera, seconded by Ms. Stockamp, the Board voted 5-0 to approve Change Order No. 2 for the Northern Estates (Kenilworth and Sylvan) Sanitary Sewer Project.

- b. BL-46-083A; C/O No. 2/FINAL; Bangor/Delaware Corridor Septic Tank Elimination Project \$(110,073.85) – Atlas Excavating, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2/FINAL for Atlas Excavating, Inc., in the decreased amount of \$(110,073.85) for a new contract total not to exceed \$3,990,525.02 and an increase of 8 calendar days for Project No. BL-46-083A, Bangor/Delaware Corridor Septic Tank Elimination, and furthermore to accept this project as final. This change order consists of incorporation WDCs 5, 6, 7, 8 and 9 and balancing planned quantities with field placed quantities. Mr. Hughes asked how many septic systems were eliminated. Mr. Smith replied about five-hundred. Mr. Hughes asked whether the Clean Stream Team or any other department kept a running total of what has been done or staff's accomplishments. Mr. Nielsen replied yes; however, staff has not done such a great job tooting their own horn very well. Mr. Hughes mentioned while working at Eli Lilly, staff never talked about the return investment; however, believes that you almost need a marketing person to wave the flag.

Director Sherman mentioned that staff is working on trying to make the communication better; however, he asked if staff had connected over a thousand septic system in homes this year. Mr. Nielsen replied that it has been well over a thousand. He stated that with this project, homeowners are requesting to be connected even more. Mr. Hughes thanked the department, staff, and the Director for their leadership and great accomplishments. Upon a motion by Mr. Rivera, seconded by Ms. Stockamp, the Board voted 5-0 to approve Change Order No. 2 for the Bangor/Delaware Corridor Septic Tank Elimination Project.

- c. CS-25-008; C/O No. 2/FINAL; Near East Side Storm Sewer \$(409,526.15) – Rieth-Riley Construction Co., Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2/FINAL for Rieth-Riley Construction Co., Inc., in the decreased amount of \$(409,526.15) for a new contract total not to exceed \$4,985,881.85 and an increase of 43 calendar days for Project No. CS-25-008, Near East Side Storm Sewer, and furthermore to accept this project as final. This change order is for locating a buried manhole, using CCTV technology and raising the manhole to surface grade with other related items. Ms. Stockamp stated that the deduction was almost 10% of the contract; and that the deduction appeared to be a large amount; however, she asked whether or not the contractor was protected in any way. Mr. Smith replied that in this case there was a lot of quantity, and that the contractor got paid for what he placed. Mr. Rosebrough asked what contributed the contractor to miss the substantial completion. Mr. Smith replied that it was a case where the contractor got caught behind because of the size and area of the project; and their paving schedule. Upon a motion by Mr. Rivera, seconded by Ms. Stockamp, the Board voted 5-0 to approve Change Order No. 2 for the Near East Side Storm Sewer Project.

- d. SD-00-040B; C/O No. 5/FINAL; 2008 Miscellaneous County Wide Stormwater Improvements, Phase II \$0.00 – Eagle Valley, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 5/FINAL for Eagle Valley, Inc., in the unchanged contract total not to exceed \$653,016.65 and no increase of calendar days for Project No. SD-00-040B, 2008 Miscellaneous County Wide Stormwater Improvements, Phase II, and furthermore to accept this project as final. This change order consists of balancing planned quantities with field placed quantities. Upon a motion by Ms. Stockamp, seconded by Mr. Hughes, the Board voted 5-0 to approve Change Order No. 5 for the 2008 Miscellaneous County Wide Stormwater Improvements, Phase II Project.

ITEM # 7 – PROFESSIONAL SERVICE AGREEMENT

WT-05-003, Roof Replacement (PER 5C) Belmont and Southport Advanced Wastewater Treatment (AWT) Plants

\$59,304.00 – Keystone Corporation

Staff recommended that the Board of Public Works approve a Professional Service Agreement for planning and design criteria engineering by Keystone Corporation for DPW Project No. WT-05-003, Roof Replacement (PER 5C), in the not to exceed amount of \$59,304.00 consisting of both a lump sum fee and time and material expenses with contract duration through August 31, 2010. Under the 2006 Capital Improvement Program (CIP), United Water requested that the City replace roofs at the Belmont and Southport Advanced Wastewater Treatment (AWT) Plants that were nearing the end of their useful lives. This project is for the initial planning and design criteria engineering phase to evaluate roofing alternatives. Ms. Stockamp asked if Keystone Corporation has experience with green roofs. Mr. Nielsen replied yes, as a developer they have intimate knowledge of building green roofs. Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted 5-0 to approve the Roof Replacement (PER 5C) Belmont and Southport Advanced Wastewater Treatment (AWT) Plants Agreement.

ITEM # 8 – PROFESSIONAL SERVICE AMENDMENTS

- a. LS-00-001B; Miscellaneous Lift Station Evaluations – On-Call, Amendment No. 1
\$15,000.00 – GRW Engineers, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 1 to the Professional Service Agreement with GRW Engineers, Inc., for Project No. LS-00-001B, Miscellaneous Lift Station Evaluations for an increased amount of \$15,000.00, for a total not to exceed amount of \$315,000.00. The purpose of this amendment is to increase the contract amount to account for additional scope items on a few of the current on-call assignments as well as to extend the expiration date. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to approve Amendment No. 1 to the Miscellaneous Lift Station Evaluations On-Call Agreement.

- b. ST-16-067; 38th Street from I-465 (West) to I-65, Amendment No.1
\$0.00 – Farrar, Garvey & Associates, DBA Clark Dietz, Inc.

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 1 to the Professional Service Agreement dated September 18, 2000 with Farrar, Garvey & Associates, LLC now a division of Clark Dietz, Inc., for Project ST-16-067, 38th Street from I-465 (West) to I-65 in the unchanged amount of \$0.00 for a total amount not to exceed \$134,450.00. This supplemental is for additional activities necessary to ensure that the project is in compliance. Mr. Rosebrough asked if this project was to re-build 38th Street. Mr. Jones replied yes, that this project is for concrete pavement rehabilitation from I-465 to I-65, which includes work on the two bridges over the railroad by Guion Road. Mr. Hughes asked if the project would impact the up-coming races. Mr. Jones replied yes; however, staff spoke with the Motor Speedway and IPD to set up and open as many lanes as possible while the events are taken place. Mr. Rivera asked about the length of the project. Mr. Jones replied about 18-months. Upon a motion Mr. Rivera, seconded by Ms. Stockamp, the Board voted 5-0 to approve Amendment No. 2 to the 38th Street from I-465 (West) to I-65 Agreement.

- c. BL-41-003 and SD-41-007; Southeastern Corridor Septic Tank Elimination Program and Neighborhood Drainage Project Phase I, Amendment No. 5
\$82,485.00 – Hannum, Wagle & Cline Engineering

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 5 to the Professional Service Agreement dated February 12, 2003 with Hannum, Wagle & Cline Engineering, for Project No. BL-41-003/SD-41-007, Southeastern Corridor Septic Tank Elimination Program and Neighborhood Drainage Project Phase I in the increased amount of \$82,485.00 for a total amount not to exceed \$3,459,566.00. This amendment provides for an update to the contract schedule along with additional design services for the sanitary sewers in the southeastern Corridor Phase I project area. The additional scope increase is to incorporate a re-design in order to eliminate the need for a new lift station and utilize an existing lift station. Upon a motion by Mr. Rosebrough, seconded by Ms. Stockamp, the Board voted 5-0 to approve Amendment No. 5 to the Southeastern Corridor Septic Tank Elimination Program and Neighborhood Drainage Project Phase I Agreement.

- d. Consulting Services Related to Green Infrastructure Master Planning, Amendment No. 1
\$174,969.00 – Williams Creek Consulting

Staff recommended that the Board of Public Works approve and authorize the Director to execute Amendment No. 1 to the existing Professional Services Agreement signed in February 2009 with Williams Creek Consulting, Inc. The amendment increases the scope of services and increases the not to exceed amount by \$174,969.00 for a contract total of \$394,969.00 for the two year contract. The city's Office of Sustainability is working closely with DPW Engineering to coordinate efforts to identify opportunities for implementing Green Infrastructure into future planned city projects within and outside the Long Term Control Plan area; by utilizing green infrastructure, the city will minimize storm water runoff from entering the combined sewer system, reducing overflow events while creating community desired green space and improving economic development opportunities. Mr. Hughes asked about the 100 projects on the master plan. Mr. Nielsen replied that there is a master plan that staff is currently working on. He stated that it has maps, the cost of the projects, and identifiers of what the project is. He stated once completed, staff can prioritize to see how it all fits. Upon a motion by Mr. Hughes, seconded by Ms. Stockamp, the Board voted 5-0 to approve Amendment No. 1 to the Consulting Services Related to Green Infrastructure Master Planning Agreement

ITEM # 9 – OTHER BUSINESS

Mr. Nielsen mentioned that Kären Haley's staff was successful with getting an \$8.3 million grant. He stated that there are three projects that Williams Creek will be putting the preliminary design to, that staff will pay for the design and the grant money will pay for the construction; of which will be implemented relatively quickly using Federal funds to construct these green solutions.

There being no further business the meeting of the Board of Public Works was adjourned at 2:04p.m.



David Sherman, Chair

Kimberly A. Frye, Recording Secretary